

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL J. TRACY, et. al;

Plaintiffs,

vs.

TELEMETRIX, Inc.; et.al;

Defendants.

8:12CV359

ORDER

The plaintiffs have moved to file their Amended Motion to File a Third amended Complaint, and all 149 of its attachments, ([Filing No. 260](#)), as restricted access documents. ([Filing No. 259](#)). In ruling on this motion, the court “may lift the restriction on the document, strike it, or order the filing party to place a redacted copy of the document on the public docket.” NECivR [5.3\(c\)\(2\)](#).

“[T]here is ‘a common-law right of access to judicial records.’” [Nixon v. Warner Communications, 435 U.S. 589, 597 \(1978\)](#). “This right of access is not absolute, but requires a weighing of competing interests.” [Id.](#)

The court has spot-checked the documents attached to Plaintiffs’ motion to amend and has found documents that: 1) are available on public websites, (see, e.g., Filing Nos. [260-4](#) through [260-10](#)); or 2) could be redacted in accordance with Nebraska Civil Rule [5.3\(b\)](#), (see, e.g., Filing No. [260-3](#)); or 3) in the absence of some explanation, do not appear to be confidential, (see, e.g., Filing Nos. [260-59](#); [260-130](#); [260-150](#)).

Accordingly,

IT IS ORDERED:

1) On or before September 24, 2015, Plaintiffs shall file a brief or statement in support of their motion to restrict ([Filing No. 259](#)), which identifies: 1) the Filing No.

260 documents that should be filed of public record; 2) those documents which can be reasonably redacted (see [Nebraska Civil Rule 5.3 \(b\)](#)), along with a copy of the proposed redacted version; and 3) those documents which must be filed, in the totality, as restricted access documents along with an explanation of why confidentiality is necessary and redaction is not a reasonable option.

2) On or before October 8, 2015, Defendants may respond to Plaintiffs' brief or statement filed in support of the motion to restrict, ([Filing No. 259](#)).

3) Filing No. 260 (and its attachments) shall remain provisionally filed as a restricted access filing pending the court's ruling on the motion to restrict, ([Filing No. 259](#)).

September 12, 2015.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge